IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.5972 of 1991
RANJEET KRISHNA SINHA
Versus
STATE OF BIHAR & OTHERS

For the petitioner: M/S. Pankaj Kumar Sinha & Kamal Kishore Jha.
For the State: Mr. Satyendra Kumar Jha.
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07. 22.12.2008 The main contention of the learned counsel for the petitioner against the impugned orders contained in annexure-5 which is the order under appeal passed by the Additional Collector, Katihar, as well as the order contained in annexure-6 which is the revisional order is that one Shri Radhe Shyam Behari Singh while acting as a Sub-Divisional Officer, Katihar had approved an order for fixation of rent in favour of the petitioner but despite the fact having been pointed out to him, he subsequently after occupying the post of Additional Collector, on promotion, entertained the appeal against his own order and set aside the order for fixation of rent passed in Rent Fixation Case No. 5 of 1987-88. The above assertion made in the writ application has not been denied in the counter affidavit filed on behalf of the State.

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In that view of the matter and in the interest of justice, both annexures 5 and 6 are hereby quashed and the matter is remanded back to the appellate authority who shall hear the matter afresh after giving opportunity to the petitioner of hearing.

The writ application stands disposed of.

rkp **(Ajay Kumar Tripathi, J)**